

### **REMARKS/ARGUMENTS**

Claims 1, 2 and 12-19 now stand in the present application, claims 1 and 14 having been amended and new claims 16-19 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 1, 2 and 12-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As noted above, Applicants have amended claims 1 and 14 in order to correct the § 112, second paragraph, deficiencies pointed out by the Examiner. Accordingly, claims 1 and 14 and their respective dependent claims are now believed to overcome the Examiner's § 112, second paragraph, rejection. In addition, claim 14 has been rewritten in independent form and new claims 16-19 have been added which correspond to dependent claims 2 and 12-15, respectively.

The Examiner has also rejected claims 1, 2 and 12-15 under 35 U.S.C. § 103(a) as being unpatentable over Goto in view of Kobayashi et al. and Kinoshita. Applicants respectfully traverse the Examiner's § 103 rejection of the claims.

In applying the Kobayashi reference against the present claims, the Examiner alleged that Kobayashi teaches a semiconductor light emitting device comprising stripe ridge 12 with shading film 13. However, element 13 in the Kobayashi reference is actually an insulation layer and not a shading film as disclosed and claimed in the present application. Moreover, element 13 is formed on only the side face of stripe ridge 12, and is not formed on the end face of stripe ridge 12, as required in the present

claims. (See Fig. 2 of Kobayashi.) Accordingly, it is respectfully submitted that Kobayashi does not teach or suggest the shading film as recited in the present claims.

In applying the Kinoshita reference against the present claims the Examiner states that the multi-layer film of Ti/Pt/Au disposed on top of layer 325, as shown in Figure 8H, of that reference would have taught those of ordinary skill in the art to provide a shading film made of this material. However, as noted above, Kobayashi does not teach or suggest a shading film and the multi-layer film disclosed in Kinoshita is actually an electrode and not a shading film. Thus, it is respectfully submitted that since Kobayashi and Kinoshita do not teach or suggest the provision of a shading film, in accordance with Applicants' invention as recited in the present claims, that the combination of references taken either singly or in combination does not teach or suggest Applicants' inventions as recited in the present claims.

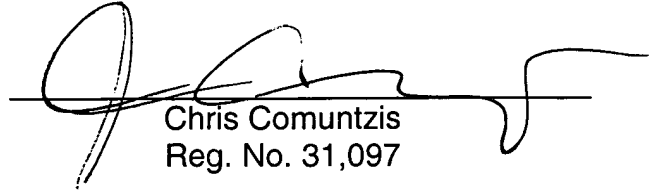
Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1, 2 and 12-19, now standing in the application be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in black ink, appearing to read 'Chris Comuntzis', written over a horizontal line.

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